IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10046 of 2004

Between:

Syed Kareem, S/o Late Lal Ahmed,
R/o 17-270, Edipally, Bandar Mandal, Krishna District.

..... PETITIONER

AND

1 State of A.P. rep. by its Secretary,
Ministry of Home, Secretariat, Hyderabad.
2 The Superintendent of Police, Krishna District at Machilipatnam.
3 The Inspector of Police, Central Crime Station, Machilipatnam.
4 The Superintendent of Police, CB CID,Hyderabad.
5 The District Collector, Krishna District at Machilipatnam.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or any appropriate writ or writs or direction/s more particularly in the nature of writ of Mandamus declaring the action of respondent No.3 in harassing the petitioner without due process of law and causing deprivation of personal liberty as illegal, arbitrary and without jurisdiction and consequently direct the respondents to issue written notices/summons to the petitioner for his appearance by permitting the petitioner to accompany an Advocate to the Police Station whenever he is summoned to the Police Station.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents.: GP FOR HOME

The Court made the following :

ORDER:

Heard both sides. At their request, the writ petition itself is taken up for final disposal.

2. The petitioner who is an accused in a criminal case registered against him filed this writ petition, *inter alia,* seeking a declaration that the action of respondent No.3 in harassing the petitioner without there being a due process of law and causing deprivation of personal liberty as illegal, arbitrary and without jurisdiction and for a further direction to the respondents to issue notices or summons to the petitioner for his appearance, if required for investigation.

3. In the counter affidavit filed by the respondent, *inter alia*, it is stated that though the petitioner has enlarged on bail with a condition to present before the Investigating Officer as and when required not complied with the conditions and is absconding and evading appearance in spite of intimation given, and causing hindrance for the investigation process. Hence, sought for dismissal of the writ petition.

5. Having regard to the submissions made and also perusal of the material it is seen that after obtaining of anticipatory bail the petitioner is continuously absconding himself and evading appearance before the Investigation Officer in spite of notices given to the sureties to the bail bonds. Having regard to these circumstances, it is not necessary to go into the merits of the case. Hence, it is just and reasonable to direct Respondent No.3 to give notice if any for appearance or for any requirement in the process of investigation to the petitioner. Accordingly, the writ petition is disposed of. No costs.

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B.PRAKASH RAO, J

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

23rd July, 2004

Chvn/BJ.

To

1 Secretary, Ministry of Home, Secretariat, State of A.P., Hyderabad.
2 The Superintendent of Police, Krishna District at Machilipatnam.
3 The Inspector of Police, Central Crime Station, Machilipatnam.
4 The Superintendent of Police, CB CID,Hyderabad.
5 The District Collector, Krishna District at Machilipatnam.

6. Two C.Cs. to the G.P. for Home, High Court Buildings, Hyderabad(OUT).

7. Two C.Ds.